THE KASHMIR CONFLICT: WHY IT DEFIES SOLUTION

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The Kashmir conflict is the major source of tension between India and Pakistan. Each controls a portion of Jammu and Kashmir which is divided along the line of control (LoC). They have fought three wars and developed nuclear weapons as a result of this conflict.

This article describes the conflict that developed with the British partition of India and why a peaceful solution has been so difficult to attain.

The authors list eleven proposed solutions and why none of them are completely acceptable to all sides. In they end they suggest why a continuation of the status quo is likely the only peaceful way forward.

Since the partition of British India and Pakistan in August 1947, the Kashmir dispute between the two countries has become an intractable one. They fought four wars in 1947, 1948, 1965, 1971 (Kashmir was peripheral to the independence of Bangladesh), and the Kargil war in 1999 but have failed to resolve the conflict so far. So, the purpose of this article is first, to present a brief history of the conflict, second, to discuss the peace process known as the composite dialogue launched between India and the Musharraf, the Gilani/Zardari regimes, and finally, to explain why the dialogue has failed to resolve the conflict between India and the Musharraf regime and why the stalemate may continue even with democratically-elected Gilani/Zardari regime.

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A BRIEF HISTORY OF THE KASHMIR CONFLICT, 1947–PRESENT

When British India was partitioned into India and Pakistan, Hari Singh, the autocratic and unpopular Maharaja (king) of Kashmir and Jammu, a predominantly Muslim state, resisted the pressure to accede to either Pakistan or India, hoping to seek independence or autonomy from both countries. To buy time and to accomplish this goal, he signed a standstill agreement with Pakistan on August 16, 1947, and was seeking to sign a similar one with India. India refused, but following the partition, communal rioting erupted in Punjab between Hindus, Sikhs and Muslims as this state was divided between India and Pakistan. In September the rioting spilled into Kashmir against Muslims.

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Muslim insurgents in Poonch in the southwestern part of Kashmir, supported covertly by the Pakistani army with arms, transport, and men, rebelled against the King, and established their Azad (independent) Kashmir government. By October 22, 1947, the insurgents pushed themselves fifteen miles from the state's capital, Srinagar. Alarmed by this invasion, Singh sought India's assistance, but the latter refused to help him unless the king signed the Instrument of Accession, a standard procedure under which other princely states had acceded to either India or Pakistan, which he signed. India agreed to his accession of Jammu and Kashmir (J&K) to India, after it had been consented to by Sheik Abdullah, the secular and popular leader of the National Conference party (NC) of J&K of the state at that time.

Following Singh's signing of the accord on October 27, the same day Indian armed forces entered Kashmir to repel the raiders. The local Muslims, mostly members of the NC, provided the logistical support for the Indian troops. This intervention by India infuriated Pakistani Governor-General Mohammed Ali Jinnah, the founder of Pakistan. On the evening of October 27 he ordered the British Lt. General Sir Douglas Gracey, the

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Source: From Map No. 4140 Rev. 3 Unted Nations, January 2004, Department of Peacekeeping Operations, Cartographic Section

chief of the Pakistan army, to dispatch Pakistan regular troops into Kashmir. But, persuaded by Field Marshall Auchinleck, the Supreme Commander of both India and Pakistan of the transition period, Jinnah withdrew his orders. However, in November, Jinnah sanctioned the transfer of military supplies to the invaders while also sending Pakistan regular troops into Kashmir to join the rebels early as "volunteers'' though not admitting its direct involvement until July 1948.

As the fighting continued, on January 1, 1948, on the advice of British Governor General Lord Mountbatten, though opposed by his Deputy Prime Minister Sardar Patel, Prime Minister Jawaharlal Nehru lodged a complaint with the UN Security Council (UNSC) by invoking Articles 34 and 35 of the UN Charter (that call for pacific settlement of disputes) against Pakistan, suspecting that it was behind the invasion. In the complaint, as it had already been pledged by Mountbatten in his letter to Singh, on October 26, India reiterated its pledge of its conditional commitment to a "plebiscite or referendum under international auspices," once the aggressor, Pakistan, was evicted. This was a pledge which India later regretted,

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and which continues to haunt her until today. Following the passage of UNSC resolutions calling for conduct of a plebiscite in Kashmir, the UN commission on India and Pakistan (UNCIP) made several attempts to conduct a plebiscite during 1948 to 1958, but failed as India and Pakistan had disagreed on the conditions and modalities on the implementation of the UNSC resolutions.[1]

The stalemate, therefore, led to another short war provoked by Pakistan on September 1, 1965 that lasted until September 22, 1965 when both parties agreed to a cease-fire as demanded by the UNSC. In January 1966, mediated by the Soviet Union, Prime Minister Lal Bahaddhur Shastri and President Ayub Khan of Pakistan met in the city of Tashkent (Republic of Uzbekistan) and signed the agreement known as the Tashkent Declaration agreeing to resolve the Kashmir dispute bilaterally without resorting to force.[2]

Under the 1971 agreement, both India and Pakistan, among others, committed themselves to "settling their differences through bilateral negotiations."

In 1971 India and Pakistan fought a third war in December over Bangladesh's independence (Kashmiir was peripherally connected) in which the latter was dealt a humiliating defeat. Here again, it was Pakistan's Yahya Khan military dictatorship's atrocities committed against the people of Bangladesh, followed by the fleeing of ten million people from Bangladesh into India, that provoked India's intervention. On July 2, 1972 Mrs. Indira Gandhi signed the Simla agreement with Mr. Zulfikar Ali Bhutto, first as President and later as Prime Minister of Pakistan, after he succeeded General Yahya Khan in 1971. Under this agreement, both India and Pakistan, among others, committed themselves to "settling their differences through bilateral negotiations." They also agreed that in "Jammu and Kashmir, the Line of Control (LoC) resulting from the ceasefire of December 17, 1971, shall be respected by both sides without prejudice to the recognized position of either side."

The agreement became the basis for the renewal of official relations between the two countries thus ending any role either for the UNSC or outside powers.[3] And with Sheik Abdullah of the NC finally having had accepted Kashmir as an integral part of India, on February 12, 1975, through the signing of the Kashmir Accord with India, it seemed as though

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the dispute had hit the final death knell, the fact that he and his son Farooq in succession had led the State as Chief Ministers by having been elected democratically, however flawed the election might have been. They both ruled the state from 1975–1989.[4]

It turned out to be an illusory peace. In fact the state plunged into a secessionist militancy in January of 1990 and continues on until today though at a declining level, with Pakistan's active support and promotion. It was primarily highhandedness and chicanery adopted by Prime Minister Rajiv Gandhi and Farooq's inept, corrupt, opportunistic leadership, and the fraudulent state legislative elections of 1987 that led to the insurgency. The alienation of the educated but unemployed youth prompted the otherwise quiescent Muslim community and contributed to the insurgency.[5]

As the insurgency intensified, the conflict between India and Pakistan assumed the portents of nuclear encounter after they each exploded nuclear bombs in May 1998. So, in early 1999 Pakistan's and India's Prime Ministers Nawaz Sharif and Atal Behari Vajpayee respectively, genuinely sought to reduce tensions between their two countries by signing the Memorandum of Understanding (MOU) in Lahore, Pakistan, in February 1999, by which they agreed to resolve the Kashmir dispute peacefully, and bilaterally.[6] But Gen. Pervez Musharraf, as army chief, scuttled the peace process and engineered another mini-war called the Kargil War in May–June of 1999. Again, Pakistan provoked another war by sending the Mujahedeen fighters (Holy Islamic warriors) into the Indian-held Kargil region of Kashmir State. As the battle turned bloodier and more intense, and as victory soon turned in favor of India, the Clinton administration intervened and succeeded in persuading Sharif to withdraw the infiltrators and the Pakistani regulars from across the LoC, although Gen. Musharraf, and his generals wanted to fight on.[7]

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On October 12 the military, headed by Gen. Musharraf, ousted Sharif from power in a bloodless coup on the grounds that the latter had committed crimes against the country as well as the army. Gen Musharraf declared

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himself the Chief Executive besides being the Chief of Army. Sharif was tried and convicted and given a life sentence by Musharraf's handpicked Anti-Terrorist Court (ATC). But mediated by the Clinton administration, Sharif was subsequently exiled to Saudi Arabia in December 1999 for a ten year period.

INDIA'S TENSE RELATIONS WITH THE MUSHARRAF REGIME, 1999 TO 2004

To reduce tensions in the aftermath of the Kargil War and find solution to the Kashmir conflict, Prime Minister Vajpayee and Musharrsaf held a summit on July 14-16 at Agra (the home of the Taj Mahal) near New Delhi, but failed to resolve it. They, however, agreed to continue the dialogue.[8] Despite their pledge to continue the dialogue, it soon came to an abrupt halt, as the Pakistani-based terrorist groups such as the Lashkar-e-Taiba (LET) and the Jaish-e-Mohammad (JEM), and other militant outfits intensified their cross-border terrorism even after Gen. Musharraf joined the Bush administration in October 2001 to fight the Taliban and Al Qaeda (base) in Afghanistan.

On January 12, 2002 in a national address, Gen. Musharraf pledged that he would no longer allow his soil to be used for cross-border terrorism.

To demonstrate that they were not intimidated by a US-Pakistani coalition to fight them, the terrorists launched a suicide bomb that destroyed the Kashmir's state assembly building and killed 38 innocent civilians in it. The JEM took credit for this blast. This blast was followed by another deadly attack on the Indian parliament building on December 13 by members of the LET in which 40 people including five terrorists were killed as the parliament was in session. In response, to compel Gen Musharraf to stop cross-border terrorism and to show it meant business, the Vajpayee government took a series of retaliatory measures. For example, it cancelled rail and road links with Pakistan; it banned its airspace for Pakistani commercial air flights; it recalled its ambassador from Islamabad, and moved nearly 800,000 troops to the borders along the LoC. Alarmed by the potential threat of another Indo-Pakistani war, the Bush administration (and this at a time

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when it was fighting terrorism in the neighboring Afghanistan) pressured Gen. Musharraf into breaking with the Jihadists.

In response, on January 12, 2002 in a national address, Gen. Musharraf pledged that he would no longer allow his soil for cross-border terrorism, stressing that the issue of Kashmir "runs in our blood."[9] And soon after that he arrested 2,000 militants and their leaders, but many of them were released, including their leaders, by Pakistani courts on the ground that there was no credible evidence against them. However, cross-border terrorism did not stop as three terrorists reportedly belonging to the LET disguised in army fatigues killed 30 and wounded 48 at a place called Kaluchak located on the outskirts of Jammu by dashing into the army family quarters (most of those killed were children and their mothers). This crime infuriated Vajpayee so much that he visited the soldiers along the tense frontiers in Kashmir and asked them to prepare for a "decisive battle" against terrorists, reportedly to attack 200 plus terrorist training camps located in the Pakistan-occupied Azad (freedom) Kashmir.

In response, on May 27, Gen Musharraf responded by warning India that "if war is thrust upon us we will respond with full might," implying a threat of the use of nuclear weapons if his country were to lose in a conventional war.[10]

As the military confrontation became more intense with increased exchange of artillery firing across the borders, calls from President George Bush and the Secretary of State Colin Powell, and visits by Deputy Secretary Richard Armitage, and British Foreign Secretary Jack Shaw to India and Pakistan, helped to defuse tensions between the two countries. They successfully persuaded the leaders to avert war and also extracted a pledge from Gen. Musharraf that he would stop cross-border terrorism and shut down the training camps.[11] Ironically, in an interview with a *Time* reporter (July 1, 2002), Gen. Musharraf reneged on his pledge made previously by saying that, "What I said is that there is no movement across the Line." India lifted its ban on Pakistan's commercial airline, withdrew its naval warships back to the port of Bombay, and withdrew troops from the border. However, it insisted that there would be no dialogue with Pakistan unless Pakistan completely stopped cross-border terrorism and handed over 20 hardcore terrorists to her for trial. But Pakistan did not respond to either of these demands.

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DEMOCRACY RESTORED IN KASHMIR IN OCTOBER 2002

In the throes of threats by terrorists that they would disrupt Kashmir's state legislative elections, the Vajpayee government defied their threat and conducted fair and open elections in September–October 2002 in four phases. Although the separatist twenty-three party coalition, All Parties Hurryat Conference (APHC), pressured by Pakistan, boycotted the elections and denounced them as sham, and although the terrorists killed more than a hundred and sought to disrupt the elections, 45 percent of the Kashmiris defied the threats and voted. Farooq Abdullah's party (NC), the Indian Congress Party (ICP), the Bharatiya Janata Party (BJP), the Peoples' Democratic party (PDP) and six other separatist groups contested the elections. The Kashmiris rejected the ruling NC, reducing its strength to twenty-eight out of a total of eighty-seven seats, while voting mostly for the ICP and the newly formed PDP.

The Vajpayee government conducted elections in September–October 2002 in four phases. The All Parties Hurryat Conference (APHC) boycotted the elections and denounced them as sham.

The INC and PDP formed a coalition government with PDP's leader Mufti Mohammed Sayeed assuming the post of Chief Minister. On assuming office, Sayeed adopted a conciliatory policy of releasing all those militants who have been imprisoned. To bring the militants back in to the mainstream society as part of his "healing touch policy," he recommended to the central government that they be released provided they disavowed violence.[12]

On November 2, 2005, as per the previous coalition agreement, the state congress party leader Ghulam Nabi Azad succeeded Mufti as Chief Minister of the Coalition Government. However, even with the restoration of democracy in the State, terrorism continued. For example, on March 23, 2003, in a tiny Hindu village of Nandi-Marg in the Kashmir Valley's Pulwama district, terrorists gunned down 24 of the 52 citizens of that village. Even then Mr. Vajpayee visited Srinagar on April 18, and in a huge public rally of 20,000 people, he stunned the Indians by extending the "hand of friendship" to Pakistan for dialogue and reconciliation. In response,

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on April 28, Prime Minister Mir Zafarullah Jamal called Vajpayee on the telephone and invited him to visit Islamabad. On May 2 Vajpayee told the parliament that he wanted to start a "decisive and conclusive dialogue" with Pakistan to end the decades of hostility between the two countries. He also announced the renewal of diplomatic ties and renewal of air and land links with Pakistan on a reciprocal basis. On October 22, 2003, India also declared its desire to open up a bus link between Srinagar, the capital of Kashmir, and Muzaffarbad, the capital of POK.[13] On November 22, as Eid (the day of ending fasting) gesture, Jamal declared a unilateral cease-fire, to which India agreed. Immediately thereafter, the guns fell silent on November 24, the LoC between the two states was extended to include the disputed Siachen glacier at the request of India.

On January 6, 2004, Vajpayee and Musharraf, while attending the meeting of the South Asian Regional Cooperation (SARC), met on its sidelines in Islamabad, January 4-6, 2004, and issued an historic joint statement in which Musharraf pledged to stop cross-border terrorism and, in return, Vajpayee agreed to engage in Kashmir talks with Pakistan.[14]

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COMPOSITE DIALOGUE LAUNCHED

The Congress-led coalition government headed by Prime Minister Dr. Manmohan Singh, which succeeded the Vajpayee government in May 2004, pledged to proceed with the composite dialogue with the Musharraf regime. The dialogue covered eight issues such as Siachen, Sir Creek, Wuller barrage project, terrorism, economic, and commercial co-operation, and promoting friendly relations. The Kashmir conflict constituted the core issue of the dialogue.[15]

In response to Musharraf's proposal calling for the demilitarization of both Kashmir states, as a peace gesture on November 11 2004, Dr. Singh announced the reduction of troops in the state of Kashmir. In his November visit to the state, Dr. Singh announced a package of $5 billion to electrify all villages, build more roads, open six colleges and five training technical

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colleges.[16] He also offered to talk to the APHC leaders unconditionally. His government permitted APHC leaders to visit Pakistan to consult with Pakistani leaders as well as the Kashmiri militant leaders living in exile. However, he made it abundantly clear that he was opposed to "redrawing of the international borders, or any proposal which smacks of further division on religious lines."[17] The dialogue finally began in late 2004. For example, in early December 2004 as part of the first round talks, joint working groups of India and Pakistan met in New Delhi, Rawalpindi and Islamabad on different dates and held discussions on the issues covered in the dialogue.[18] On December 28, 2004, the groups held second round talks, and the parties agreed to resume rail links between Kokhrapar (Sindh, Pakistan) and Munnabao (Rajasthan, India) which were suspended since 1965. They decided to meet again to fix the date of bus service linking Srinagar to Muzaffarabad (POK), and exchanged a draft of Memorandum of Understanding (MOU) on cooperation to curb drug trafficking. They also agreed to future expert level talks on implementing nuclear Confidence Building Measures (CBM), and promoting regular contacts at people to people levels, including at designated places to explore further CBMS along the LoC. The working groups discussed modalities for carrying out the joint survey of the boundary pillars in the Sir Creek—the disputed river boundary between the countries. Foreign ministers, Natwar Singh and Mahamood Khurshid Kasuri of India and Pakistan respectively, joined the last meeting of the talks on December 27-28 held in Islamabad. The foreign ministers agreed to an early finalization of a draft agreement on the pre-notification of flight-testing of ballistic missiles by both countries. But the core Kashmir issue was not discussed.[19]

On February 16, 2005, External Minister Singh and his counterpart Kasuri met in Islamabad and achieved a breakthrough by agreeing to open a bus route on April 7 between Srinagar and Muzaffarabad so as to give an impetus to the peace process and enable the families of divided states to visit each other's families as part of the CBMs. They also agreed to open another bus link between Sindh and Rajastan in February. Mr. Singh also met the new Prime Minister of Pakistan Shaukat Aziz and Musharraf and discussed with them about moving the peace process. On April 17, as part of cricket diplomacy, Musharraf visited New Delhi, witnessed the match between India and Pakistan, and later held talks with Dr. Singh. Later they jointly

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issued a statement agreeing to have normal trade and political relations, and proceed with the peace process. They also agreed to open two more trade routes between Srinagar and Muzaffarabad across the LoC, and between Poonch and Rwalakot, Pakistan. At the press conference Prime Minister Dr. Singh noted that the peace process was "irreversible" while acknowledging a "hard road ahead."[20] However, terrorists continued to attack India in order to disrupt the peace process. For example, on October 29, 2005, on the eve of Devvali (the festival of lights), three blasts ripped through crowded markets in Delhi killing 69 and wounding more than 200 people. India implicated the LET. Musharraf condemned the attacks, and offered his condolences to the victims. Subsequently, the terrorists struck in various Indian cities such as Varanasi, Bangalore, and Hyderabad. Even in the midst of these terror attacks third round talks were held between relevant specified groups in New Delhi and Islamabad on different dates between January and June 2006.They reiterated their commitment to start bus service between Poonch, and Rawalkot as had been previously agreed to. They also agreed to start truck service between Srinagar and Muzzaffarbad, and make rail links operational between Khorarapar and Manabao. On Conventional and nuclear weapons, the groups agreed to strengthen CBMs. And on Sir Creek, they agreed to carry out a joint survey of the land in the Creek area, and maritime boundary.[21]

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But on July 11, 2005 terrorists struck again by causing suicide blasts on the local passenger railway trains in Mumbai killing 200, and wounding more than 700 travelers. Immediately thereafter, Musharraf again offered his condolences, and pledged his cooperation in catching the culprits. India implicated the ISI, and suspended the dialogue with Pakistan. But the dialogue was put on track after Dr. Singh and Musharraf issued a joint statement creating Anti-Terror Institutional Mechanism on September 16, 2006 in which both countries pledged to cooperate to deal with terrorism when they met on the sidelines in Havana, Cuba at the summit meeting of the Non-Aligned Nations.[22]

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Perhaps to persuade India back to a negotiating table on the Kashmir issue, on August 1, 2006, Gen. Musharraf, in an interview with journalist A.G Noorani, articulated his specific peace proposal that, among others, called for demilitarization, self-rule in both Kashmir states, and joint management of the states by both countries [23] On December 6, 2006, in an interview with the NDTV (India) Musharraf again reiterated the same proposal.[24] On December 12, 2006, Pakistani foreign minister's spokeswoman, Tasmin Aslam, threw in a bombshell by telling the Pakistani media for the first time that under Article 257 of its 1973 constitution, Pakistan never claimed Kashmir as an integral part of Pakistan. And on December 14, Foreign Minister Kasuri affirmed what she had stated. This statement upset many Pakistani politicians.[25] On December 17, 2006, on a flight back to New Delhi from Tokyo, Dr. Singh welcomed Musharraf's proposal by saying, "If any new ideas come, we welcome them. And, I would like to say that in the last two and a half years, we have had very intensive dialogue with Pakistan."[26]

DR. SINGH HOLDS TALKS WITH KASHMIRI GROUPS IN SEARCH OF A CONSENSUS.

Dr. Singh initiated talks with the Kashmiri groups to seek a consensus on the issue. He focused his attention on the internal political dynamics in Kashmir and held a series of round table conferences with groups of varying ideological orientations. For example, he invited separatists such as the APHC headed by Mirwaz Umar Farooq and other non-separatist groups. Dr. Singh agreed to talk to the separatists unconditionally. In September 2005, he met with moderate leaders. In January 2006, he held talks with People's Conference (PC) Chairman Sajjad Ghani and the Jammu and Kashmir Liberation (JKLF) Chairman Yasin Malik. In February 2005, Dr. Singh convened a conference in Srinagar.[27] Although separatists had refused to take part, all other non-separatists attended it. It was followed by second and third round table conferences also held in Srinagar in May 2006 and April 2007 respectively.[28] But the separatists again refused to attend them unless the talks were limited only to them, excluding those groups who supported the state's integration with India. Dr. Singh also established five working groups or commissions to deal with various aspects

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of the Kashmir problem including one dealing with center-state relations. On Musharraf's Kashmir proposal, Dr. Singh also supported self-rule and eventual demilitarization of the state while he has been ambivalent about joint-management of the two states.

On the Sir Creek dispute, talks were held on December 22-23 and both parties agreed to conduct a joint survey of this tidal channel. Accordingly, the teams completed the survey in March 2007 verifying the outermost points of the coastal line. Subsequently, talks were held in Rawalpindi on May 17-18 but they reached no agreement on this dispute. Similarly, water secretaries of India and Pakistan held talks over the Talbul/Wuller, a dispute since 1987, on June 22-23, 2006, and again on August 21-22 in New Delhi but failed to resolve it.[29]

On February 2, 2007, Gen Musharraf told the media that relations with India should not become hostage to "confrontationists" who are against the peace process, and that our "relations have never been this good before in our history and we are happy about it." He indicated that "both sides have realized there could be no military solution to these disputes."[30] On March 16, 2007, addressing a four-day 60th Formation Commanders conference held in Rawalpindi, Gen. Musharraf reiterated expressed optimism on the resolution of the Kashmir conflict, and that relations between India and Pakistan have "never been better."[31] The fourth round talks were held in May 2007 but produced no tangible results.

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Given the complexity of the disputes, especially Kashmir, fearing that the round of talks between the countries might not bring them closer to a resolution, both the Singh government and the Musharraf regime at the same time launched back channel secret negotiations to resolve these issues including the Kashmir dispute. As Steve Coll vividly describes, beginning in 2004, Musharraf's classmate and bureaucrat Tariq Aziz on behalf of Pakistan, and a Russian specialist named Satinder Lambah on behalf of Singh's government, launched secret non-paper negotiations (text without names or signatures so as to serve as deniable in the event the agreement

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became too controversial to sign) on Kashmir, and other issues dividing India and Pakistan. They met two dozen times in hotels between 2004 and 2007 at different places, and worked out the principles of agreement on Sir Creek, and Siachen. And on Kashmir, they were working on making the LoC as "irrelavant" if not a dividing border as demanded by India while giving each state on either side of the border a measure of autonomy with eventual demilitarization of both states. But the secret talks eventually failed to bear fruit as the Musharraf regime began to encounter a myriad of political problems at home especially. We proffer some explanations as to why the Singh government and the Musharraf regime could not resolve the Kashmir conflict and other ancillary disputes notwithstanding, having held so many rounds of talks including the secret ones.

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EXPLANATIONS FOR LACK OF SUCCESS:

Continued Cross-Border Terror was an Impediment to the Peace Process

Notwithstanding Musharraf's pledges to end it, cross-border terrorism continued, albeit at a declining rate. The Pakistani military's Kashmir policy has been to engage India in a proxy war through the instrument of terror until India came to an amicable settlement with it over Kashmir. Ironically, today, its policy is boomeranging against Pakistan itself. The fact is that the jihadists have been relentless in committing a series of suicide bombings since 2007, killing hundreds of people. As Dr. Navnita Behera notes, although fatalities and cross-border incidents in Kashmir decreased from 1,991 in 2004 to 1,509 in 2005, terror both in Kashmir proper and across India continued.[32] The Frankenstein which the Pakistani military created to fight India has, ironically, has turned against its own country from early 2007 onward for its shortsighted policy. But the ISI has not abandoned its embrace of the jihadists to fight India.

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Pakistan has become a hotbed as well as a epicenter for jihadists who have been engaging in worldwide terrorism. The Bush administration, which had offered more than $10 billion in aid for the regime's cooperation for its war on terrorism, subsequently became skeptical about the regime's commitment to fighting terrorism, given the resurgence of Taliban and Al-Qaeda attacks on the US-led NATO forces in Afghanistan. It is little wonder that President Hamid Karazai of Afghanistan openly accused the Musharraf regime for fostering terrorism against his country.[33]

The Need of the Military to Continue with the Conflict in order to retain its power.

With the exception of the rule under Prime Minister Zulfikkar Ali Bhutto (1971–77), since 1958 the Pakistani military continued to intervene in the country's politics directly or indirectly to retain its economic, political, and social interests. This involvement continued even during the time democracy was reinstated. To retain its power and perks, the military never hesitated to manipulate conflict and tensions with India over Kashmir. Although Mr. Bhutto had gotten Article 245 included in the 1973 Constitution, declaring any attempt by the military to abrogate and subvert government treasonous, the military ignored this injunction. For example, Lt. Gen. Zia-ul-Haq and Gen. Musharraf, in utter disdain for this clause, staged a coup d'etat against democratically elected leaders Mr. Bhutto and Mr. Nawaz Sharif in July 1977 and October 1999 respectively, and imposed military dictatorships. When Mr Bhutto (1973–77) and his daughter Benazir Bhutto (1988–90, 1993–96) and Sharif (1990–93, 1997–99) challenged the Punjab-dominated military, it found an excuse to dismiss them from power by accusing them of favoritism, nepotism and corruption before they completed their terms of office even though the dictators have been accused of the similar charges, but with no price to pay.

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The military never allowed democratic institutions to take root in the country. In its lexicon, there has not been any intention to returning to barracks and subordinating itself to a civilian leadership. It has a stake in retaining its huge economic interests. In a review article of the book entitled *Military, Inc.: Inside Pakistan's Military Economy* by Ayesha Siddiqa, Nirupama Subramaniam notes that the Pakistani military has built up a huge commercial empire which will make it very difficult to dislodge it from power. She points out that its assets account for 10 percent of Pakistan's GDP. In cahoots with businesses, the military, she further notes, dominates the three sectors of the economy—agriculture, manufacturing and services operating at three levels—institutional, subsidiary and individual, involving billions of income for the military.[34] At an individual level alone, Gen Musharaf placed between 4,000-5,000 loyalist officers in various positions of authority.[35] Dr. Siddiqa points out that Gen. Musharraf did not grow up rich and he has accumulated land assets to the value of $10.34 million.[36] He is an example of how the higher echelons of military accumulate wealth in Pakistan. This is attributed to its penetration of the country's economy. However, the military has to keep the Kashmir conflict aflame lest its power should be challenged by ordinary Pakistanis. India's former Chief of Army, Gen. V.S. Sharma, in an interview to Sheela Bhatt of India Abroad (June 4, 1999), told her why the Pakistan Army needed to keep the Kashmir Conflict alive:

> Pakistan's survival depends entirely on their quarrel with India on Kashmir, it is endemic to their livelihood. They control the nation: get the best pensions, best jobs. The Military community in Pakistan is having a damn good time at the cost of the poor people of Pakistan. How can they make peace with India.[37]

The Regime's Lack of Political Legitimacy

Gen. Musharraf's lack of political legitimacy became another impediment to achieving peace with India on the Kashmir conflict, which is of historical significance and which needs a national consensus in Pakistan to resolve the conflict. For instance, as noted ealier, on October 12, 1999, Gen. Musharraf ousted Sharif, a democratically elected Prime Minister, in a bloodless coup and seized power although under article 245 of the Pakistani constitution

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it is treasonous to do that. To legitimize his praetorian rule, on April 30, 2002, he abruptly conducted a referendum asking the citizens if he should continue as president for another five years. But the election was fraudulent and not even 15 percent had voted for him. In August 2002, Gen. Musharraf issued the Legal Framework Order (LFO) encapsulating 21 clauses constituting as part of the 17th amendment to the constitution with the objective of not only legitimizing and indemnifying his coup, and holding a referendum, but also to legitimize his extraordinary powers.

In November 2003, supported by a coalition of six Islamic parties known as the Muttabide Majilis-e-Amal (MMM), an alliance he himself created, the new parliament led by the pro-Musharraf Pakistam Muslim League (PML-Q), which was elected in October 2002, approved these radical clauses as the 17th amendment on the pledge by Gen. Musharraf that he would give up his title as the Chief of Army by November 2004. He however, later reneged on his pledge. On October 6, 2007, Gen. Musharraf got himself re-elected as president by the Senate, National Assembly and four provincial assemblies. Challenges to the constitutionality of his reelection as president were rejected by the Supreme Court headed by Ifftikhar Chaudhary. Chaudhary was the chief justice whom Musharraf had suspended in March 2007 for asserting the court's independence, but pressure from a lawyer's movement got him reinstated in July 2007, a successful challenge to Musharraf's total authority.[38]

Gen. Musharraf Declares Emergency Rule on November 3, 2007

Fearing a negative verdict on his October 6 reelection by the Chaudhary's supreme court, on November 3, 2007 Gen. Musharraf declared a state of emergency—a defacto martial law—by suspending the constitution. He issued another provisional constitutional order (PCO) under which he replaced Chaudhary, a thorn in his flesh, with suppliant Hameed Dogar. He also dismissed eight Supreme Court judges and scores of high court judges who refused to take the oath of office under his PCO. Gen. Musharraf also closed private television networks, put in jail nearly 5,000 journalists, human rights and civil society activists, and politicians who challenged his emergency rule. He put Ms. Benazir Bhutto and Chaudhary under house arrest (she was later released, but not Chaudhary); they had demanded that

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he resign on the ground that he had no political legitimacy. Meanwhile, in the midst of severe criticism leveled against him by the Pakistanis, especially the Pakistan bar association for clamping the emergency rule, Gen. Musharraf finally but reluctantly let Nawaz Sharif, his nemesis, return to Pakistan. Sharif arrived in Lahore on November 26 to a huge welcome. On November 12, Musharaf announced elections for January 8, which were postponed to a later date, and on November 16, he appointed Mohammedian Soomro, the chairman of the Pakistan senate as Prime minister of the caretaker government until a new elected government was sworn in. On November 21, his handpicked Supreme Court Chief Justice Dower, dismissed all petitions challenging his election and the emergency rule, and declared his October election as valid. On November 22, Musharraf issued another ordinance validating and affirming the proclamation of emergency rule, and all other orders, ordinances, including the PCO he issued, and they were declared as constitutional by the supreme court. After all domestic legal obstacles against him were cleared by Dower, the Bush administration and the Brown government of Great Britain pressured him to lift the emergency. And the 53-member Commonwealth also did the same by suspending the country from membership. On December 16, Gen. Musharraf reluctantly lifted the emergency and released most of the arrested persons with the exception of Chaudhary.[39]

Benazir Bhutto's Assassination only Reinforced the Regime's Lack of Political Legitimacy

Ms. Bhutto, a charismatic and popular leader, was assassinated in a gunfire attack-cum-suicide bombing on December 26 a few minutes after she had finished addressing an election rally, ironically in Rawalpindi, the military garrison city. The interior department spokesperson Javed Iqbal Cheema told journalists that there was "irrefutable evidence" linking the killing to the south Waziristan-based Taliban leader Beitullah Mehsud (on August 7, 2009 he has been killed in a CIA launched missile strike, *New York Times,* August 8, 2009) although he denied that he had anything to do with it. But Bhutto's supporters blamed the Musharraf regime for the tragedy. It was rumored that some Islamists facilitated by the ISI might have committed the crime. In an e-mail sent to her friend Mr. Mark Spiegel in the US on

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October 26, 2007, Ms. Bhutto put the blame squarely on Musharraf if she were to be assassinated. She also reportedly notified the British government that she feared a plot to kill her. This belief only reinforced the Musharraf regime's lack of legitimacy among Pakistani citizens. However, at the urging of the Musharraf regime, the Scotland Yard police conducted an investigation and released a report in February indicating that Ms. Bhutto had died of the impact of the blasts, and cleared the regime of any complicity. But her family and her party the PPP continued to implicate it.[40]

In the February parliamentary and state assembly elections, Musharraf's party, the PML (Q), was defeated, and the PPP and the PML (N) won, putting Musharraf's' rule in political jeopardy. The PPP asked Musharraf to exit peacefully on the ground that he lacked political legitimacy, while the PML (N) called for his impeachment.

Despite his apparent change of mind on the Kashmir issue, given his lack of political legitimacy, India has been skeptical of negotiating peace with Musharraf on the dispute. India therefore, had hoped for restoration of democracy in Pakistan before it could seriously negotiate peace on the Kashmir conflict and other disputes. This belief by India is given some credence in that India achieved some tangible results with democratic governments in Pakistan in the past. For example, Mr. Bhutto signed the Simla Accord in 1972 with Mrs. Gandhi and reportedly told Mrs. Gandhi that the LoC would be an international border.[41] His daughter, Ms. Bhutto, signed two agreements with Mrs. Gandhi's son, Prime Minister Rajiv Gandhi, in Islamabad. The first was not to attack each other's nuclear installations and second to respect the Simla Accord,[42] for which she was branded pro-India by the military. On May 25, 1999, in an address at the Woodrow Wilson International Center she admitted that she had to be hostile toward India to appease the Punjabi-dominated military. She regretted not having engaged in dialogue with India.[43] In 1997, Sharif and India signed a composite dialogue agreement, and in February 1999 he and Prime Minister Vajpayee signed the MOU to resolve the Kashmir conflict bilaterally.[44] Musharraf opposed this and, as noted earlier, engineered the Kargil War of May-July 1999 to undermine growing Indo-Pakistan friendly relations. But the prospects of the Singh government and the democratic government have turned out to be equally bleak especially after the terrorist Mumbai attacks on November 26, 2008.

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THE PROSPECTS OF RESOLVING THE KASHMIR CONFLICT WITH CURRENT GOVERNMENT ARE EQUALLY BLEAK

Following the election of Yousuf Raza Gilani as Prime minister in March 2008, Singh's government congratulated him on his election, and hoped for better relations with Pakistan by affirming its support for his democracy. On May 20, 2008, the External Affairs minister Pranab Mukherjee visited Islamabad and met with the Prime Minister, and the leaders of the PPP and the PML (N), Asif Ali Zardari and Nawaz Sharif respectively, and President Gen. Musharraf. Mukherjee noted that he was visiting Islamabad to get a feel of the new democratic dispensation's priorities and policies, and to affirm India's commitment to dialogue.[45] On May 21, Mukherjee and his counterpart, Makhhdoom Shah Mahmood Qureshi, issued a joint statement noting that they had reviewed the progress report of the fourth round of talks of topics covered under the composite dialogue, highlighted the bilateral achievements, and indicated that their foreign secretaries, Salman Bashir and Shiva Shankar Menon, were soon to launch a fifth round of talks in New Delhi in July 2008.[46] But on the Kashmir issue the leaders began to express discordant opinions. For example, on May 11, 2008, Prime Minister Gilani characterized Gen.Musharaff's proposal on Kashmir as "half baked." In March 2008, Zardari told an Indian TV Network, that Kashmir should not be allowed to "hijack" from improving trade and other relations between the two countries.

This statement by Zardari was swiftly disapproved by various groups in Pakistan. For example, the new army chief Gen. Ashfaq Pervez Kayani, who assumed this position in October 2008, visited the forward locations along the LoC and issued a statement stressing "national consensus" on the Kashmir issue and reaffirmed the army's commitment to the Kashmir cause. And on May 1, 2008, in an address to the Pakistan-administered Azad (free) Kashmuir's joint session of the Legislative Assembly and the Legislative Council in Muzaffarabad, Gilani assured the members that there would be no compromise on Kashmir and that his Government was seeking "result oriented" talks with India. On July 12, 2008, in a lecture at the Brooking Institution in Washington DC, Foreign Minister Qureshi said that India and Pakistan "have to look at innovative ways of resolution

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to the Kashmir Issue beyond the CBM by 'looking outside the box'." He pointed out that Pakistan had shown "flexibility."[47]

Meanwhile, perhaps to scuffle the peace process, for the first time after the ceasefire agreement of 2003 has been signed, in late July 2008 skirmishes along the LoC flared up between the Indian and Pakistan troops in which four Pakistani soldiers and one Indian soldier were killed. India blamed the Pakistani army for this provocation. On July 13 a suicide bomber attacked the Indian embassy in Kabul, Afghanistan in which 60 Afghans and four Indian diplomats were killed. India's National Security Advisor M.K. Narayanan openly accused the Pakistan's ISI as being behind the bombing and stated that it should be destroyed. President Karazai also implicated the ISI for the attack prompting President Bush to ask the Gilani government to investigate although Pakistani defense minister Chaudhary Ahmed Mukhtar denied any involvement.[48] In early August 2008 Gilani, while attending the South Asian Association Regional (SAARC) summit in Colombo Sri Lanka, pledged to Dr. Singh that he would investigate the Kabul incident and do everything to put the India-Pakistan dialogue process back on track, while the ISI was trying to undermine relations.[49] These episodes and rising internal turmoil in Pakistan with coincidental terrorist attacks by a shadowy new group known as Indian Mujahideen in India impeded the peace talks for more than six months.

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On September 7, 2008, Zardari was elected President after Gen. Musharraf was forced to resign on August 20. Following his election, on September 10, Zardari declared there would be soon "good news" on Kashmir which set off a cross border guessing game, as he did not explain what he meant.[50] While attending the UN General Assembly session in New York City, Zardari met Dr. Singh on September 24, 2008 and embraced him and spoke to him in their native language, Punjabi, calling him the "founder of modern India." They pledged to renew their co-operation to fight terror and agreed also to launch the fifth round of the composite dialogue within three months.[51] He is the first Pakistani leader to refer the Kashmiri militants as "terrorists,"[52] while the other Pakistani leaders call

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them "freedom fighters." To the disgust of the army, Zardari violated the army's long-standing nuclear doctrine by offering a "no first strike use" nuclear weapons agreement that India welcomed. But Zardari had to take a quick u-turn on the offer after Gen. Kiyani reportedly rebuked him.[53] Although the Pakistani army continued to maintain an unfriendly posture, the Singh government and the Gilani-Zardari government genuinely began to move toward a rapprochement. But surprise horrendous terror attacks by the Pakistan-based terrorist on the city of Mumbai November 26-29, 2008, brought Indo-Pakistan relations to their nadir, and doomed the prospects of resolving the Kashmir conflict.

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The Mumbai Terror Attacks November 26-29, 2008; From Tense to Cold Relations

Ten terrorists boarded a merchant ship at Karachi port. En route to their destination they changed ships and arrived in Gateway, Mumbai, on November 26, 2008. Then they stole taxi cabs, and rode in five teams of two to launch their vicious and dastardly attacks on their intended targets. They first shot commuter train passengers at CS railway terminus, and thereafter moved into the Oberoi-Trident hotel complex, Taj Mahal Palace, the Cama Children's Hospital, the Jewish Center in the Nariman home, and the Leopold Café, and they took the visitors and occupants there hostage, singled out Britons, Americans, and Jews, and began shooting them indiscriminately. As the city police could not flush out these motivated, determined, and disciplined terrorists, the Indian elite national security guards flew in to battle them. It was only after 60 hours of battling the terrorists that they were struck and hostages released. The one lone terrorist named Mohammad Ajmal Amir Imam "Kasab" was captured alive after he was wounded in a shoot out with the police. The tragic episode ended on November 29. In this terror attack, 150 people were wounded and 171 Indians and others were killed including six Americans, three Britons, and Rabbi Gabriel Holzberg and his wife Rivka.

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Amir Kasab has admitted a connection with the Lashkar-e-Taiba (LET) in Pakistan. As suspected, he told his interrogators that he was from the village of Faridkot in Punjab, Pakistan, and born of poor parents with a fourth grade education. He confessed that he, along with nine other terrorists, was recruited and trained for more than one year by army men under the patronage of its founder, Hafez Mohammad Saeed, (who later founded the Jamat-Ul-Dawah (JUD) after LET was banned in 2002), and its commanders Zaki-Ur Rehman Lakhvi, Zaraar Shah, and Yusuf Muzammil on how to use explosives, grenades, AK-47s, and what targets they should hit. The investigators found the cell and satellite phones that the terrorists used, indicating that they had constant communication with the LET operatives in Pakistan. The police published the pictures of the other gunmen with reference to their age, place of residence, etc., in the Indian newspapers showing evidence beyond any shadow of a doubt that they were all from Pakistan. The lone terrorist Jamal Kasab later confessed his involvement by implicating the LET, and others, before the special court presided over by judge M.L.Tahilaani.[54] Thereafter, the scheduled composite dialogue with Pakistan was immediately suspended by India, and relations turned hostile bordering on war between the two countries.

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The Indian External Affairs Minister Mukherjee, on December 4, warned that India was taking the "strongest measures" to ensure there was "no repetition of such acts," describing the attacks as the "most vicious in the history of independent India." He expected Pakistan to honor its "solemn commitments and not to permit the use of its soil for terrorism against her neighbors." He, however, disavowed any military option. The Gilani government responded by saying that it seeks "friendly relations," and does not seek war, but, if provoked, it said that its forces will defend its sovereignty. Based on unconfirmed reports that India had given Pakistan a deadline of December 26 to return some 20-40 alleged terrorists and fearing an attack by India, Pakistan withdrew some of its troops from the western Afghanistan front and redeployed them on the eastern front

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with India, to the displeasure of the Bush administration. Mr. Mukherjee characterized Pakistan's behavior as diversionary.

On December 5, Secretary of State Condoleezza Rice, accompanied by Admiral Mike Mullen, Chairmen of the Joint Chiefs of Staff, visited both India and Pakistan and asked Pakistan to cooperate with India in locating the non-state actors in Pakistan and punishing the guilty. She told the Pakistani leadership that it was responsible as its territory was allegedly used by non-state actors. Prime Minister Gordon Brown of Great Britain, who visited India and Pakistan on December 15, asked the Pakistani leadership to cooperate with India in locating the culprits. It was time for action, he said. He bluntly told Zardari that three quarters of those who were involved in serious plots in England were of Pakistani ethnic background and had ties to Al Qaeda in Pakistan. In view of the fact that citizens of 22 foreign nations were affected by this attack, on December 12, the UN Security Council passed a resolution imposing sanctions on four leaders belonging to the LET/JUD, and the Jaish-e-Mohammad (JEM). In response, Pakistani authorities put some of these leaders under house arrest and reportedly seized their assets.

Pressured by the international community and India's coercive diplomacy, the Gilani government finally appointed the Federal Investigation Agency (FIA) under the auspices of its interior minister, Rehman Malik. Mr. Rehman also admitted that police took into custody six of the eight conspirators of the attack including Zaki-ur-Rehman, Zarar Shah, Hamad Amin Sadiq, and Javed Iqbal. Meanwhile, New Delhi prepared a dossier of evidence, and delivered it to Pakistan implicating 35 persons belonging to the LET in the attack. In response, Pakistan sent New Delhi a 30-point questionnaire prepared by its FIA. On March 13, India handed over its response to clarifications sought by Pakistan to Pakistan's High Commissioner, Shahid Malik, in New Delhi, by enclosing a plethora of primary documents running into 400 pages implicating the LET. India, however, did not implicate the Gilani government, but it did implicate the ISI. In fact, on February 6, 2009, India's foreign secretary, Shivashanker Menon, in an address to the Institute Francais de Relations, Paris, openly charged Pakistan that the organizers of the plot "were and remain clients and creations of the ISI."[55] The lone terrorist Azmal has admitted that some of those who trained them had military background, especially a major general named Sahab. But

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despite submitting clarifications by India about the accomplices, the Gilani government, as of this writing, has not conducted any trial of the indicted personnel. Pakistan continues to ask India for more evidence and clarifications again and again. India considers the queries as diversionary tactics. It remains to be seen if the Gilani-Zardari government has the courage to try and convict those implicated in the attack given the ISI involvement.

India declared a "pause" on restarting the composite dialogue until the guilty parties were punished, while the Zardari government desperately seeks talks.[56] As Dr. Stephen Cohen noted, the terrorists committed a "brilliant stupidity" in unraveling the peace process.

The army, which became an unpopular institution under the Musharraf regime following the Mumbai attacks, regained its ground as Pakistani citizens rallied behind it in the face of India's alleged threats. The army could conveniently use this conflict with India to deflect citizen's attention from its alleged complicity with the militant groups. David Sanger, in his book entitled *The Inheritance* (2009), points out that the CIA bugged telephone conversations of the Pakistani generals including Gen. Musharraf and Gen. Kiyani, in which they called the Taliban a "strategic asset for Pakistan in fighting its enemy, India."[57] As already noted earlier, unlike the Gilani/Zardari government, the military has an interest in keeping the Kashmir conflict aflame to justify its dominance in Pakistani domestic politics. It never wants to submit itself to civilian authority.

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PLEDGE TO RESTART THE COMPOSITE DIALOGUE

Six months after the Mumbai assault occurred, for the first time, on June 17, 2009, Dr. Singh and Zardari met on margins of the summit of the Shanghai CooperationOrganization (SCO) held in Yekaterinburg, Russia and broke the dialogue logjam when they agreed to renew talks at foreign secretary levels. However, the mild mannered Dr. Singh was blunt with Zardari when he told him in front of the media that Paksistan should not

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allow terrorists to use its soil for terrorism against India. Although Pakistan found his remark unacceptable, it nonetheless was happy that the meeting had broken the ice.[58] Again on July 17, on the sidelines of the summit of the Non-aligned Nations held at Sharm-el-Sheikh, Egyt, Prime Ministers Dr. Singh and Gilani met and, to the delight of Pakistan, the leaders issued a joint statement agreeing to renew the composite dialogue by delinking it from action on terror. The statement also included Gilanis' controversial mentioning "some information on threat in Balochistan" implying obliquely that India may have a hand in the separatist movement in that state. They announced that their foreign secretaries would meet as often as necessary and report to their foreign ministers S.M. Krishna and Shah Mahmood Qureshi of India and Pakistan respectively.[59] Because the Prime Mintster reversed his position on terrorism and let Gilani mention Balochistan in the joint statement, the Bharatiya Janata Party (BJP)-National Democratic Alliance (NDA) went berserk and denounced his stand as a sell out.[60] On July 29, in his speech in the Lok Sabha (Lower House), Dr. Singh clarified his position saying that he has not diluted his stand on terrorism, and expects Pakistan to prove its bonafides by action. He stressed the dialogue was only brought forward to achieve peace between the two countries.[61]

On August 1, the foreign minister Krishna told the Rajya Sabha (upper House) that no progress in dialogue with Pakistan was possible in an atmosphere vitiated by violence or threat to use violence.[62] At the conference of 112 heads of missions held in New Delhi on August 25, Mr. Krishna ruled out a meaningful dialogue with Pakistan until it fulfilled its commitment of completely dismantling the terrorist infrastructutre from its soil as has been agreed to. As of this writing, no movement toward resolving the Kashmir conflict has beebeen taken by the two governments. On the margins of the UN General assembly session on September 27, 2009, India's new foreign secretary, Ms. Nirupama Rao, met her counterpart, Salman Bashir, and discussed only the progress Pakistan has made investigating and punishing the accomplices of the Mumbai attacks. And on September 29, Mr. Krishna met his counterpart Quresh at the UN in New York and told him that the resumption of broad-based dialogue with Pakistan hinged on its prosecution of all those involved in the attacks.[63] Therefore, the prospects of resolving the Kashmir conflict with the Gilani/Zardari government are equally bleak, although, as a democracy, it initially produced a lot of euphoria in India.

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The Gilani/Zardari government faces a myriad of political, economic, social, and military problems making it very weak and fragile. Withdrawal of the PML (N) from coalition only further added to its fragility With the 17th amendment still intact, Zardari as president remains a powerful leader endowed with the same extraordinary powers as those Gen. Musharraf had. The parliament is not sovereign yet without doing away with the 17th amendment. Zardari attained notoriety as "Mr. Ten Percent" for his alleged extraction of 10 percent bribes on government contracts while serving as a minister in his wife's cabinet. (He was imprisoned for eleven years although he was not convicted.) He has become a very unpopular leader with an approval rating at about 19 percent. Structural reforms which the country badly needed to overcome this economic crisis have not been introduced. Gilani and Zardari themselves are feudal lords who are incapable of initiating badly needed land reforms. It is bailed out with aid and loans received from the US, the IMF, and Friends of Pakistan. The $7 billion in economic aid approved by the US Congress in October 2009 for a five-year period for infrastructure may certainly help the country provided it is not diverted for other purposes.

The Gilani/Zardari government faces a myriad of political, economic, social, and military problems making it very fragile.

Terrorism by Pakistani Taliban and Al-Qeda has increased, threatening the very fabric of the nation. The Jihadists who started their terrorist attacks in early 2007 under the Musharraf regime have intensified them, especially suicide bombings. The deadly brazen wave of attacks launched by an alliance of Pakistani Taliban, Al Qaeda and Jihadi groups of Southern Punjab in October 2009 in various places, especially police and military installations, vividly show how audacious and powerful these groups have become and how shaky and vulnerable the Gilani government has become. For example, on October 6, a suicide bomber struck the lobby of the UN Food Program office in Islamabad and killed all five of its employees. On October 10 an explosion at a crowded market in the northwestern city of Peshawar (NWFP) killed 42 and wounded over 60 innocent civilians. On October 11, to the embarrassment of the military, four militants dressed in army fatigues entered its headquarters and took 42 hostages. Pakistani

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commandos had to rescue them, killing seven men including the militants. On October 13, a suicide car bomber attacked a military vehicle in a crowded Alpuri market in the Shangla district in the Swatt Valley, a supposedly liberated area of Taliban militants, killing 41 people and wounding dozens more. And on October 16, in coordinated attacks, three groups of militants dressed in police uniforms simultaneously attacked three law enforcement agencies in the city of Lahore, the cultural center, and the capital, in which more than 30 people were killed including 19 police officers and 11 militants as commandos fired on the militants. On October 17, three suicide bombers, including a female one, attacked a police station in Peshawar killing more than 11 people. Terrorists did not spare even an Islamic university in Islamabad when two suicide bombers attacked it, killing four people including a female student on October 21. These attacks are not only aimed at discouraging the military offensive against South Wazirstan, the hot bed of Taliban and Al Qaeda, but also presumably, as Hakimullah Mehsud has declared, to establish an Islamic state in Pakistan by removing the current government. Mehsud seeks to fight India after this goal is achieved. However, troops did move into South Wazirstan, and it remains to be seen if the army will be able to dismantle terrorist infrastructure and its threat.[64] In addition, separatist armed struggle is raging in Balochistan, especially after its leader Nawab Akbar Bugti was killed in August 2005 by the military at the orders of Gen. Musharraf, although the government falsely accused the Indian government for this ongoing movement.[65] The government appears helpless and impotent in addressing these problems. The Gilani government is losing its political legitimacy.

The military continues to play a dominant role in the country's politics with little interest in submitting itself to civilian authority. As noted earlier, the military and the ISI continue to support the Pakistan-based militants including the Taliban as strategic assets to fight India, despite the fact that the Gilani-Zardari government opposes this strategy. India's accusation of Pakistan's military support for terrorism was finally acknowledged by Zardari on July 9, 2009 when he told the retired civil servants that militant groups were "created and deliberately nurtured" as a policy for "short-term tactical objectives."[66]

No wonder on July 25, 2009 in Dubai, the US Chairman of the Joint Chiefs of Staff, Admiral Mike Mullen, made a damning indictment of

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the ISI by saying that it was fomenting "chaotic activity" in Kashmir and Afghanistan. He hoped that "in the long run the ISI has to change its strategic thrust."[67] The suicide bomb attack near the Indian embassy in Kabul on October 8, 2009 in which 17 people were killed and over 80 injured was claimed credit by the Pakistan Taliban headed by Hakimullah Mehsud for the blast. However, Afghanistan and India blamed the Pakistani army and the ISI which want to undermine Indian-Afghan friendly relations and force India to leave Afghanistan.[68]

And to the dismay of India, the LET after its involvement in the Mumbai attack largely remains intact, robust and is determined to strike India again and the ISI continues to maintain its ties with the outfit belying Pakistan's commitment to dismantle it.[69] No wonder Dr. Singh expressed the same concern about the pervasive jihadi threat from Pakistan. On August 18, inaugurating the Chief Minister's conference on internal security in New Delhi, the Prime Minister warned the heads that there was "credible information of ongoing plans of terrorist groups in Pakistan to carry out fresh attacks."[70] The military in general and the ISI in particular (which has become a state within a state) would like to keep the Kashmir conflict aflame in order to maintain its dominance in Pakistani politics. For example, on July 3, in his meeting with Indian defense advisors of the Army, Navy, and Air Force, Lt. Gen. Shuja Pasha asserted that the ISI and the Pakistan army were involved in framing Pakistan's India policy along with the Foreign Office and, therefore, he wanted India to deal directly with these three institutions including the army and the ISI although it is in breach of a diplomatic protocol to do so.[71]

The military in general, and the ISI in particular, would like to keep the Kashmir conflict aflame in order to maintain its dominance in Pakistani politics.

Notwithstanding Dr. Singh's pledge, his government is hesitant to renew the composite dialogue until the Gilani government has produced some tangible results in punishing the conspirators of the Mumbai attack. But as India's Home Minister P. Chidambaram told NDTV network on September 7, 2009, India does not rule out the involvement of state actors such as the ISI.[72] If that is true, Gilani may never be able to try and convict the culprits, as the ISI is likely to resist. This may lead to a death knell to

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the dialogue as India insists on punishment of the conspirators as a condition to restart the dialogue.

Therefore, in light of problems cited above facing the Gilani-Zardari government, one wonders if it will be in a position to reach an amicable settlement with India on Kashmir. India may be averse to deal with such a fragile and shaky regime which is at a crippling point. But what is the solution to the conflict when circumstances permit the Gilani/Zardari government supported by its military to make a genuine commitment in resolving the Kashmir conflict?

POSSIBLE SOLUTIONS TO THE KASHMIR CONFLICT

There are many alternative solutions suggested to resolving the Kashmir conflict in terms of their pros and cons. Given the space constraints here below, we simply identify some of them and suggest the one that India, and the Kashmiri Muslims could agree to if Pakistan is willing to compromise. Raju Thomas and Sumit Ganguly suggest the following alternative solutions:

1. Maintain the territorial status quo in Kashmir along the LoC.
2. Secure Kashmir's accession to Pakistan.
3. Create an independent Kashmir.
4. Secure a "Trieste" solution (like the disputed city of Trieste which was partitioned between Italyand Yugoslavia) by territorial transfer of the Vale of Kashmir to Pakistan.
5. Manipulate a Tibetan solution by transforming the demographics in Kashmir (as China allegedly reduced the Tibetan population into a minority by settlingTibet with its Han Chinese, so should India with Hindus and Sikhs in the Valley).
6. Generate an exodus of Kashmiri Muslims into Pakistan through repressive or persuasive measures.
7. Achieve joint Indo-Pakistani control over Kashmir.
8. Foster a subcontinent of several independent states.
9. Promote a decentralized sub-continental confederation of several autonomous states.

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10. As required by the U.N. Security Council, hold a plebiscite to ascertain the wishes of Kashmirs.
11. Grant a protectorate status to Kashmir.[73]

The authors argue that most of these alternative solutions are either impractical or unacceptable to India, Pakistan, and the Kashmiri Muslims, including the militants. Of these solutions the one that Pakistan and the militants prefer is a plebiscite as has been called for by the UNSC resolutions. But India considers this option as irrelevant, outdated, and *rebus sic stantibus.* Even Gen. Musharraf admitted that option is not practical today. A number of Kashmiri militants also oppose the plebiscite, the fact that under the UNSC resolutions they cannot have the option of independence. Therefore, the only possible solution to this festering conflict is the first alternative. That is, maintaining the LoC as the current territorial status quo with some border adjustment favorable to Pakistan, and by granting a measure of autonomy to both parts of divided Kashmir. This is what Prime Minister Jawaharhal Nehru and Sheikh Abdullah had agreed to when they signed the Delhi Accord in 1952.[74] Even Musharraf, as we noted earlier, suggested some variation of this arrangement. As pledged, if India grants autonomy under Article 370 of the Indian Constitution, and demilitarizes the state as demanded by separatists, and allocates sufficient funding for the states' economic development as has been already done by Singh's Government, one should not be surprised if the militants gave up their insurgency and joined the democratic forces to rebuild their heavily damaged state due to insurgency.

Even with high-handed policies of previous Indian governments, the Kashmiris still prefer to be with India than with Pakistan, which has become almost a "failed state."

As support for insurgency in Kashmir has declined, the insurgency is declining. In fact, quite a number of Kashmiri militants are returning to Kashmir from Pakistan as they are tired of the unproductive insurgency.[75] The self-chosen leaders of the APHC who refused to participate in rounds of talks convened by Dr. Singh pressured by Pakistan, and some militant groups, today, are willing to do so as they are being marginalized in the state

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where there has been a functioning democracy since 2003.[76] Hindus and Buddists who constitute the majority in Jammu, and Ladhak respectively, and who want to be an integral part of India may accept this deal. Even with high handed policies of previous Indian governments, the Kashmiris still prefer to be with India rather than with Pakistan, which has become almost a "failed state."

For example, in an opinion poll conducted by the independent UK-based Market and Opinion Research International (MORI) in June 2002, 61 percent of Kashmiris said they are better off remaining as part of India as opposed to 6 percent choosing to be part of Pakistan.[77] Moreover, ethnically and ideologically and religiously, one can argue that Kashmiri Muslims in the Valley are much more close to India than they are to Pakistan. The Kashmiri Muslims are mostly moderate, eclectic in their religious beliefs and values and have incorporated some aspects of Hindusim and are predominantly sufi, which is pacifistic in its theological orientation.[78]

CONCLUSION

We have first briefly discussed the history of the Kashmir conflict, and the insurgency the conflict produced in 1990, and that continues until today supported by Pakistan. Second, we have looked at the peace process that India and the Musharraf engaged in, and we have offered some explanations why they failed to resolve the Kashmir and other conflicts under the rubric of composite dialogue. Third, we have explained why India and the Gilani-Zardari government may not be able to resolve the conflict. And finally, we have suggested a viable solution to the conflict if and when democratic Pakistan is willing to compromise on the Kashmir conflict.

Notes

1. For a comprehensive discussion of the origins of the conflict and the first Kashmir war, Sisir Gupta, *Kashmir,* New York: Asia Publishing House, 1966.

2. For a detailed discussion of the war and its leading to the Tashkent Declaration see Victoria Schofield, *Kashmir in the Cross Fire,* New York: I.B. Tauris 1996, pp. 193-206.

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3. For more discussion of the Bangladesh war and its leading to the Simla Accord, see Sumit Ganguly, *Conflict Unending: Indian–Pakistan Tensions Since 1947,* New York: Columbia University, 2001, pp. 51-78 and 168-169.

4. For a discussion on Sheikh Abdullah and his son's rule, see Schofield, *Kashmir in the Cross Fire,* pp. 216-223.

5. For discussion of the insurgency, see Ibid., pp. 230-236.

6. For text of the memorandum see in Ganguly, *Conflict Unending*, pp. 170-171.

7. For discussion of Gen. Musharaff's role in engineering the Kargil war and of President Clinton's role in ending it, see Ibid, Ganguly, pp. 114-129.

8. For discussion about the failure of the Agra summit talks, see Ibid., pp. 135-7.

9. *New York Times*, January 13, 2002.

10. In January-June 2002, India was on the verge of striking terrorist camps in POK, see *India Today International*, December 23, 2002, pp. 13-19.

11. Ibid., June, 10, 2002, pp. 10-11.

12. For more discussion about the elections, and the Sayeed government's policy toward militants, see Ibid., October 21, 2002, pp. 12-18, and November 18, 2002, pp. 24-29.

13. Ibid., May 12, 2003, pp. 23-25, and *Economist,* May 10, 2003, 31-32.

14. For details about the joint statement, see *New York Times*, January 7-8, 2004, and *Dawn*, January 7, 2004.

15. *Hindu,* May 13, 2007.

16. *New York Times*, November 12, 2004.

17. *India Today International*, November 29, 2004, p. 8.

18. For details of the initial talks between the Singh's government and the Musharraf regime, see Fahmida Ashraf, "India-Pakistan Dialogue under Congress Government," at www.Issi.org.pk/journal2004-files/no-3/article/2.htm.

19. For details about the second round of talks, see "A Status Report," Institute of War and Conflict (IPCS), January 31, 2005, pp. 1-3.

20. *Hindu,* April 18, 2005.

21. Priya shree Andley, "Third Composite Dialogue: An Overview of Indo-Pak Relations in 2006," IPCS, March 2007, pp. 1-5.

22. For text of the joint statement, see *Hindu,* September 17, 2006.

23. For more details about the interview, see A.G. Noorani, "There is So Much to Gain Mutually," *Frontline*, Vol 23, No.16, August 2006, pp. 12-25.

24. *Hindu,* December 7, 2006.

25. Ibid., December 12, and 14, 2006.

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26 Ibid., 17, 2006.

27. Navina Behera, *Demystifying Kashmir,* Washington, DC: Brooking Institute, 2006, pp. 54-5, 138-141, and 167-169.

28 Ibid., pp. 139-142.

29. For a detailed discussion of these disputes, see Ashutosh Misra, "An Audit of the India-Pakistan Peace Process," *Australian Journal of International Affairs,*" vol. 61. no 1. pp. 506-528; Bharat Bushan, "Tulbul, Sir Creek, and Siachen: Competitive Methodologies", and Ahmed Bilai Soofi,Wuller Barrage, Siachen, and Sir Creek," *South Asian Journal,* January-March No 5, 2005 at southasiamedia.net/magazine/journal/7.htm.

30. *Hindu,* February 3, 2007.

31. Ibid., March 1 2007.

32. Behera, *Demystifying Kashmir,* pp. 52-53.

33. For details about the Taliban insurgency and Karazai's accusations of Pakistan, see *India Today International*, July 31, 2006, pp. 22-24.

34. Nirupama Subramanyam, "Military in Its Businees Business in Pakistan," *Hindu*, 19, 2007.

35. *Economist*, July, 8, 2006, pp. 22-24.

36. Ayesha Siddiqua, *Military Inc Inside Pakist Pakistan's Military Economy*, London. Pluto Press, 2007, pp. 190-91.

37. *India Abroad*, June 4, 1999, p. 20.

38. For more discussion about how Gen Musharraf came to powe, and how he consolidated it, see Rathnam Indurthy, "Explaining Why the Musharraf Military Regime is Not Likely to Restore Democracy in Pakistan," *Asian Profile*, vol.34. no. 4., pp. 371-74.

39. For a detailed discussion about Musharaf's emergency rule and why he subsequently lifted it, see *Hindu*, November 4 -6, 2007; December 1, 2007, and December 19, 2007.

40. For a detailed discussion about Ms. Bhutto's assassination, the citizens' reaction to her death, and the conclusions of the Scotlan Yard report, see Ibid., December 28-31, 2007; January 5, 2009; January 9, 2008; January 15, 2008; January 21, 2009; February 5, 2009, and February 9, 2009.

41. Cited in Victoria Schofield, *Kashmir in the Crossfire*, IB Tauris, London, 1996, p. 214.

42. Ibid., pp. 225-35.

43. Cited in *India Abroad,* June 4, 1999, p. 20.

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47. For details about differing positions of Pakistani leaders, see *Hindu* March 3, 2008, May 1, 2008, May 11, 2008, and July 13, 2008.

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49. Ibid., August 3, 2008, and August 5, 2008.

50. Ibid, September 10, 2008, and September 11, 2008.

51. *India Abroad,* October 3, 2008, pp. A5, and A9.

52. *Hindu* October 6, 2008, and October 7, 2008.

53. *India Today International,* December 22, 2008, p. 8.

54. For more details about the attack, see *India Today International,* January 5, 2009, pp. 18-31, and *India Abroad*, July 31, 2009, pp. A-A6.

55. For a detailed discussion about Indo-Pakistan relations in the aftermath of the terrorist attack, see, *Hindu* January 1, 2009; February 4, 2009; February 6, 2009; February 10, 2009; February 13-16, 2009; February 20, 2009; February 26-27, 2009; March 1-2, 2009; March 4, 2009; March 7, 2009; March 12, 2009, and March 14, 2009.

56. Ibid., March 13, 2007.

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60. *Hindu,* July 18,2009.

61. Ibid., July 30, 2009.

62. Ibid., August 1. 2009.

63. Ibid., October 27, 2009, and October 29, 2009.

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78. For discussion about the cultural affinity of Kashmiri Muslims with Indians, see Rathnam Indurthy, "Kashmir in Indo-Paksistan Relations: Mutual Claims to the State as Causes of the Conflict" *Asian Profile,* vol. 30, no.1, February 2002, pp. 54-59; and Praveen Swami, "The Hurriyat's Moment of Decision," *Hindu,* September 5, 2009. Cited in *India Abroad,* June 4, 2002, p. 6.

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